

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

IN RE:

Case No. 09-56751

MARIA DEL MAR ALONSO,

Chapter 13

Debtor.

Judge Thomas J. Tucker

MARIA DEL MAR ALONSO,

Plaintiff,

Adv. Pro. No. 09-7225

vs.

INTERNAL REVENUE SERVICE,

Defendant.

ORDER DENYING MOTION FOR RECONSIDERATION

This case comes before the Court on Debtor's "Ex-Parte Motion to Reinstate Adversary Case," filed on January 13, 2010 (Docket # 5, the "Motion"), which this Court construes as a motion for reconsideration of, and for relief from, the January 8, 2010 Order dismissing this adversary proceeding without prejudice (Docket # 4), and

The Court having reviewed and considered the Motion, and

The Court finds the Motion fails to demonstrate a palpable defect by which the Court and the parties have been misled, and that a different disposition of the case must result from a correction thereof. *See* Local Rule 9024-1(a)(3).

The Court also finds that the allegations in the Motion do not establish excusable neglect under Fed.R.Civ.P. 60(b)(1), FedR.Bankr.P. 9024, or any other valid ground for relief from the order dismissing this case.

In addition, the Court notes the following. First, the assertion in paragraph 5 of the Motion, that "[a] summons was not provided by the Court in this matter," is not fair or accurate. When Plaintiff filed this adversary proceeding electronically, and at all times thereafter, Plaintiff's counsel could have obtained the issuance of a summons, but he apparently did not do so. Plaintiff's counsel could have obtained a summons from the Court's CM/ECF system when he filed this case. Plaintiff's counsel also could have obtained a reissued summons, at any time after filing this case, by selecting the "Adversary" menu in CM/ECF and then selecting "Reissued Summons" from the Adversary Events/Court Events/ sub-menu.

Second, the order dismissing this adversary proceeding does so without prejudice, so it does not preclude Plaintiff from filing a new adversary proceeding.

NOW, THEREFORE,

IT IS ORDERED that the Motion should be, and is, DENIED.

Signed on February 01, 2010

/s/ Thomas J. Tucker
Thomas J. Tucker
United States Bankruptcy Judge